

DMP:AAS
F. #2023R00425

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(18 U.S.C. § 1512(c)(2))

SU ZUQI,

No. 23-MJ-663

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

EVA BROWN, being duly sworn, deposes and states that she is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

ATTEMPTED OBSTRUCTION OF JUSTICE

In or about and between June 2023 and the present, within the Eastern District of New York and elsewhere, the defendant SU ZUQI did knowingly, intentionally and corruptly attempt to obstruct, influence and impede an official proceeding, to wit: a Federal Grand Jury investigation in the Eastern District of New York.

(Title 18, United States Code, Section 1512(c)(2))

The source of your deponent's information and the grounds for her belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”).

During my tenure with the FBI, I have participated in numerous investigations, during the course of which I have, among other things: (a) conducted physical and electronic surveillance, (b) executed search warrants, (c) reviewed and analyzed recorded conversations and records, and (d) debriefed cooperating witnesses. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and from reports of other law enforcement officers involved in the investigation.

PROBABLE CAUSE

2. Until recently, the defendant SU ZUQI resided in Queens and owned a restaurant in Manhattan located near the Mission of the People’s Republic of China (“PRC”) to the United Nations. The FBI has been investigating, among other things, SU’s operation of a business (separate from his restaurant) that guarantees admission to selective U.S. colleges and universities for prospective students from the PRC.

3. In or about May 2023, a (“Witness-1”)² reported that SU had recently departed the United States for the PRC in May 2023. Witness-1 also reported the following, in sum and substance: Before leaving for the PRC, SU provided Witness-1 with a SIM card to use for contacting SU while SU was in the PRC. SU also provided Witness-1 with two iPhones (the “Devices”) to hold for SU. SU told Witness-1 that SU was afraid U.S. border authorities would inspect the Devices during a border crossing and that he gave them to Witness-1 because he did not want the U.S. government to see what was on them.

² Witness-1 is cooperating with the FBI and has provided information that has been corroborated by other evidence in the investigation.

4. On or about June 9, 2023, a United States Magistrate Judge for the Eastern District of New York authorized the search of the Devices. The search of the Devices is ongoing. Among the items located in the Devices are various communications between SU and individuals who appear to be facilitating business meetings on behalf of SU.³

5. On July 18, 2023 at approximately 9 p.m., SU returned to the United States from the PRC through John F. Kennedy International Airport in Queens, New York. During a border inspection, SU claimed that he had traveled to the PRC to visit friends and family but could not remember any of their names, purportedly because such rich people do not necessarily share their real names.

6. After SU had completed his border inspection, SU agreed to participate in a voluntary interview with the FBI. The interview was conducted through the assistance of a Chinese-speaking linguist. During the voluntary interview, SU admitted, in sum and substance and in part, that his business's advertisements of guaranteed admission to U.S. educational institutions were false. SU further stated that he assisted prominent PRC persons, such as government officials, with travel logistics in the United States. When asked about the sole phone then in his possession, SU claimed that he had not recently used any other electronic devices to conduct his business affairs and that records of such activities would only be found in the phone in his possession. At the close of the interview, agents advised SU (in English and in Mandarin Chinese) not to obstruct justice, including by tampering with witnesses. SU indicated that he understood these directions and would not obstruct justice.

³ After execution of the search warrant, Witness-1 claimed that he/she had accidentally deleted communications from his/her phone with SU. Notably, Witness-1 had previously allowed the FBI to photograph exchanges from his/her phone, including those involving SU.

7. Thereafter, SU met with Witness-1, who retrieved SU from John F. Kennedy International Airport in a vehicle. Agents had equipped Witness-1 with recording devices, which the agents activated prior to Witness-1's meeting with SU. Witness-1 brought SU to a restaurant and a hotel in Flushing, Queens. Agents performed surveillance throughout the evening and observed SU and Witness-1 travel to the restaurant and the hotel. After Witness-1 left SU at the hotel, agents retrieved and deactivated the recording devices.

8. Review of the recordings of the conversations between Witness-1 and SU, which were conducted in Mandarin Chinese, is ongoing. Included below is a draft summary of relevant portions of the conversations.

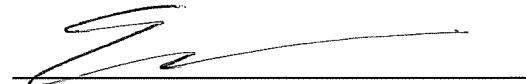
- a. During the drive from the airport, Witness-1 informed SU that, earlier that day, FBI agents had served Witness-1 with a grand jury subpoena requiring Witness-1's subsequent appearance in a grand jury in the U.S. District Court for the Eastern District of New York. As directed by agents, Witness-1 claimed that, pursuant to the grand jury subpoena, Witness-1 had provided the Devices to the FBI that same day. SU instructed Witness-1 to turn his/her phone off. SU repeatedly indicated that he was in trouble and chastised Witness-1 for initially bringing the Devices to the airport that day.
- b. After Witness-1 brought SU to the hotel in Flushing, SU invited Witness-1 into a hotel room. SU instructed Witness-1, "You and I did not do anything. If they ask you, eh . . . you don't know, you really don't know anything." SU added, "If they ask you about my affairs with the United Nations officials, you should say that you do not know about it." As noted above, SU indicated that he provides travel logistics to PRC persons, such as government officials; his

clients may include persons associated with the PRC Mission to the United Nations. SU further indicated Witness-1 should describe his/her relationship with SU as follows: "You and I started hanging out for the past couple of years. We didn't hang out that much, just chatted over WeChat. Then, that, eh . . . we . . . because of the pandemic, we did not get to see each other much."

c. SU also instructed Witness-1 should not volunteer information that is not corroborated by physical evidence already in the government's possession: "If you said it, you know and you cannot lie. Because if it is obvious that they have the evidence, they will definitely mention it. Other stuff, you don't know. They should not know anything else as we were talking over the phone or in person." SU wondered aloud why the FBI had "issued a subpoena to you [Witness-1]."

9. On July 19, 2023, SU boarded a flight scheduled to depart from John F. Kennedy International Airport at 10:45 a.m. for Doha, Qatar. SU was not traveling with any luggage. The investigation has revealed that SU obtained the ticket for the flight during the morning of July 19, 2023. Agents apprehended SU before the flight departed.

WHEREFORE your deponent respectfully requests that the defendant SU ZUQI
be dealt with according to law.



EVA BROWN
Special Agent, Federal Bureau of Investigation

Sworn to before me this
21 day of July, 2023

/s Robert M. Levy

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK